

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
EASTERN DIVISION

BILLY D. WHEELER  
ADC #127742

PLAINTIFF

v.

No. 2:18-cv-118-DPM

DOUGLAS SWINEY Lieutenant,  
EARU; and VALERIE WESTBROOK,\*  
Classification Officer, East Arkansas  
Regional Unit, ADC

DEFENDANTS

ORDER

Unopposed recommendation, No. 22, adopted. FED. R. CIV. P. 72(b) (1983 addition to advisory committee notes). Motion for summary judgment, No. 18, granted. Wheeler's claims against Westbrook and Swiney will be dismissed without prejudice for failure to exhaust. An *in forma pauperis* appeal from this Order and accompanying Judgment would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

D.P. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

19 February 2019

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\* The Court directs the Clerk to update Swiney's and Westbrook's names on the docket. No. 18.